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CIVIL DISOBEDIENCE DURING REFORMATION ERA

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ABSTRACT

The removal of Anwar Ibrahim as Deputy Prime Minister of Malaysia in September 1998 was a shock to the nation. This is because there were a series of street demonstrations in 1998 until 2001 that gave birth to reformasi (reform) movement. People thought that the dismissal was unfair due to personal conflict between the Prime Minister, Dr. Mahathir and Anwar Ibrahim. The purpose of this paper is to analyze the emergence of civil disobedience during reform movement and to identify the actors involved in mobilizing civil disobedience. The analysis shows what the main reason behind the outbreak of civil disobedience was the result of government actions that weakened democracy through the restriction of political rights and civil liberties. In this respect, the removal of Anwar Ibrahim was only a triggering factor. Furthermore, the actors who were involved in acts of civil disobedience include students, young people, opposition parties, non government organizations (NGOs) and activists. These groups cooperated to seek justice for Anwar Ibrahim and also raised issues related to corruption, cronyism and abuse of power in the government. Consequently, support for the Barisan Nasional (National Front) coalition, especially the United Malays National Organization (UMNO) declined dramatically in the 1999 general election.

Keyword: Malaysian politics; civil disobedience; reform movement; democracy; election.

INTRODUCTION

Civil disobedience emerged in the 18th century and it is still relevant worldwide. For example, objection to development of nuclear weapons in the 1970s and Gulf War protest in 2003 onwards in the United States of America (USA), protest at the Tiananmen Square in China in 1989, the reform movement in Indonesia in 1998, and Tahrir Square protests in Egypt in 2011. In Malaysia, civil disobedience has been around prior to independence. After independence there were series of civil disobedience that occurred as the society was not satisfied with government policies, particularly on political rights and civil liberty. However, it did not become a phenomenon until in 1998 with the advent of the reform movement triggered by the dismissal of the former Deputy Prime Minister (DPM), Anwar Ibrahim.

Immediately after Anwar Ibrahim's imprisonment, civil disobedience became widespread and gave birth to reformation era from 1998 until 2001. This paper aims to examine civil disobedience act during the final phase of Mahathir's reign. The major questions to be explored here include: what are the reasons that led to the emergence of civil disobedience? Is it because of the dismissal of Anwar Ibrahim or there were other reasons? Who are the actors that involved in the civil disobedience? And what are their roles? In order to answer these questions, this article is divided into three parts. The first part discusses the concept of civil disobedience. The second explains the background of the Mahathir administration. Finally, the paper discusses the emergence of civil disobedience. The whole analysis in this paper is qualitative and derived from two types of data. The primary data is generated through in-depth interviews with individuals who are experienced and knowledgeable about the subjects under study. They are representative of the government political party, opposition party and non-governmental organizations (NGOs). The secondary data is obtained from books, journals, previous studies and documents from government departments.

CIVIL DISOBEDIENCE CONCEPT

Civil disobedience was introduced by American naturalist, Henry David Thoreau in his essay in 1849. The essay discusses his personal experience as he protested the injustice against the citizens. Thoreau refused to pay his taxes as a symbolic protest against USA government, which launched an aggressive war on Mexico, supported the slavery system and violated the rights of the native Indian population (Bedau 1991: 2). Rawls (1971:363) defines civil disobedience as a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government. Rawls in his arguments state that first, civil disobedience is a political act not only in the sense that it is addressed to the majority that hold political power, but is also because it is an act guided and justified by political principle which is principle of justice. Second, civil disobedience is a public act, not only it is addressed to principles, it is done in public and not covert or secretive. Third, civil disobedience is nonviolent because it expresses disobedience to law within the limits of fidelity to law although it is at outer edge thereof. The law is broken, but fidelity to law is expressed by the public and nonviolent nature of the act, by the willingness to accept the legal consequences of one's conduct.

Meanwhile, Smith (2004:353) defines civil disobedience as "...public, illegal and political protest carried out against state or policies...acts of civil disobedience might be justified within a constitutional democracy. Justification here is understood as a moral or political justification—where civilly disobedient citizens claim that they are morally or politically entitle to disobey law." Smith in his argument gives three main principles to justify when the

act of civil disobedience can be done: when a group of people are excluded in the public participation process, when the authorities manipulate the situation for their benefit and when the government does not get public opinion in drafting public policy.

Briefly, according to the scholars there are several important features in civil disobedience act. The first is disobedience of the law. Second, disobedience carried out in public because of frustration with government actions or unjust laws or policies. Third, non-violence acts. Fourth, the act must be conscientiously. Finally, people are willing to accept the consequences of their actions. Examples of civil disobedience are the refusal to pay taxes, blocking roads to government offices, strikes and street demonstrations without government permission (Sheldon 2005:60). In addition, civil disobedience may occur via the internet as people criticize and express their dissatisfaction to the government or its officers through blogs or social media. And the action aims to pressure the government to change unjust laws and policies.

BACKGROUND OF DR. MAHATHIR'S ADMINISTRATION

Dr. Mahathir was appointed as Prime Minister of Malaysia in July 1981. At the beginning of his reign, Dr. Mahathir was committed to the reform in public service and politics. For example, in August 1981 the government released 21 political detainees under the ISA. In addition, the administrative environment also changed as the government emphasized the quality of public services and determined to eliminate corruption and improve the efficiency of the bureaucracy. For this purpose the government introduced a punch card and name tag so that civil servants could be more accountable to the public (Chung Kek Yoong 1987:11; Means 1991:86). However, towards the next phase there were many crises in the BN and the government administration, which raised protests by the community; including corruption and human and political rights. For example, in 1986, there were public protests in relation to the government's action to amend the Official Secrets Act (OSA). The Government amended the OSA as Bumiputra Malaysia Finance corruption (BMF) was first revealed to the public through the Far Eastern Economic Review and Asian Wall Street Journal (AWSJ). This is because, AWSJ linked a former finance minister, Daim Zainuddin with the issue. Consequently, the government banned the AWSJ and also cancelled the journalists permit. This issue was finally brought to the Supreme Court and the ban was lifted. As a result, the government proposed amendments to the OSA (Means 1991:197; Brown 2004:126). The amendment is to enable government documents to be considered confidential and shall not be disclosed to the public, unless otherwise stated. The government's decision caused demonstrations by approximately 2000 journalists. Meanwhile, NGOs such as the Muslim Youth Movement of Malaysia (ABIM), Aliran Kesedaran Negara (Aliran), Consumers Association of Penang (CAP) and the Bar Council also held protests by organizing dialogues named as the Movement for Freedom and Justice (Brown 2004:127). However, the objection is not successful when parliament approved the amendments in December 1986 by 131 votes in support and 21 against (Brown 2004:127).

In 1987 there were protests from the Chinese in relation to educational issues. These issues started when the government announced to appoint 100 teachers who are not fluent in Mandarin for Chinese-medium schools. The Chinese society did not agree with the decision and caused the association of education and teaching Chinese as well as political parties like the Democratic Action Party (DAP), Gerakan Rakyat Malaysia (Gerakan), Social Democratic Party (SDP) and the Malaysian Chinese Association (MCA) against the government decision.

Their first action was to boycott classes involving 30,000 students. In addition, the parties also held a rally of about 2000 people who came to give support and protest the government's decision. In response to the Chinese community, United Malays National Organization (UMNO) also held a rally in Kampung Baru Kuala Lumpur attended by about 6000 people. In addition, the UMNO were planning to hold another mass rally on 1 November 1987 (Means 1991:208; Brown 2004:143). Consequently, on 27 and 28 October the government launched the Operation Lalang and arrested 106 persons under the ISA. It was aimed to avoid ethnic tensions that could lead to riots similar to May 13, 1969 incident. The government also banned public gatherings, including a rally planned by the UMNO on 1 November 1987. Several newspapers and magazines were also suspended, such as *The Star*, *Sin Chew Jit Poh*, and *Watan*. The Government then also amended the Printing Press and Publications Act 1984 in 1988. These amendments enable the Minister to withdraw or suspend issuance of permit if it does not meet the specifications and threaten the national interest (Means 1991:213; Crouch 1996:85). Subsequently, after the Operation Lalang in 1987, there were no demonstrations until the outbreak of reformation in 1998 as a result of civil disobedience. The question is what is the reason of the emergence of civil disobedience? This question is discussed in the following section.

THE EMERGENCE OF CIVIL DISOBEDIENCE

Rawls (1971) and Bedau (1991) state that civil disobedience is done because people protest against government or government officials. Their goal is demanding a change in law or government policy. How about civil disobedience in Malaysia? On 2nd September 1998, Prime Minister Dr. Mahathir dismissed Anwar Ibrahim from the post of DPM and the Minister of Finance after he refused to resign (Felker 1999:45; Abbot 2000:246; Johan Savaranamuttu 2003:9). According to Dr. Mahathir, Anwar Ibrahim was involved in corruption and sexual misconduct. Anwar Ibrahim and his supporters protested Dr Mahathir's action, and they got involved in civil disobedience such as street demonstrations and internet protest. It started with dissatisfaction of removal of Anwar Ibrahim from the cabinet and UMNO and then spread to other issues such as abuse of power, corruption, the judiciary, human rights and so forth. With the emergence of the issue, the supporters of the demonstrations also increased, not only the followers of Anwar Ibrahim, but spread to the NGOs and the opposition party that eventually led to reforms movement in late 1998 until 2001.

The removal of Anwar Ibrahim shocked the Malaysian community, and political observers as well as a turning point in Malaysian politics. It shocked the community because for the first time in Malaysian history since independence DPM was sacked from the cabinet due to moral misconduct. For Malays, the charge is very sensitive, and shameful. Dismissal of Anwar Ibrahim is also a turning point in Malaysian politics because, first, the support he got from the public and sympathizers was unusual. For example, after he was sacked in a short time the public as well as fans and political supporters gathered at his home. Second, speeches by Anwar Ibrahim to explain his dismissal across the country had such a great response so much so that in every speech he could gather about 10,000 people (Brown 2004). Third, the dismissal of Anwar Ibrahim also led people to demonstrate, especially around Kuala Lumpur. After his dismissal, Anwar Ibrahim was charged with sodomy and corruption by the High Court. Further on 20 September he was arrested under the ISA for leading a demonstration in Kuala Lumpur (Abbott 2000:246). However, before his detention, within 18

days after he was sacked Anwar had held a series of talks around the country to explain the political conspiracy behind his sacking. He raised issues related to abuse of power in the government, corrupt leaders, cronies and nepotism. In a series of talks, Anwar Ibrahim took advantage to start a reform movement which he called his followers to fight for justice, better governance, and accountability, policies to benefit the poor, freedom and democracy (Weiss 1999:26). The reform movement was officially launched on 12 September 1998 through Permatang Pauh Declaration. This reform movement was received vigorously, not only by his supporters but also by other people, such as NGOs, opposition parties, students, private and public sector employees. For example, on 20 September 1998, demonstrations led by Anwar Ibrahim around the National Mosque and Merdeka Square, received great support from the community, especially young people, estimated at more than 30,000 people. It was the largest demonstration in the history of Malaysian politics and got extensive coverage from the international media, who were reporting the Commonwealth Games in Malaysia at that time (Felker 1999:45; Abbot 2000:246; Sheila Nair 2007:351). Among the NGOs involved, include ABIM, Suaram, Just, CAP and others who also took the opportunity to show peak of their disobedience.

Due to the demonstration, Anwar Ibrahim was arrested and detained under the ISA. After he was arrested, street demonstrations occurred almost every week, and involved Anwar supporters, NGOs, students, opposition parties, and others which mostly took place along Tunku Abdul Rahman Street, Kuala Lumpur. Each of these protests was attended by thousands of people from different levels of society mostly young people. During the Anwar Ibrahim trial between October 1998 and April 1999, demonstrations were being held outside the court and the surrounding streets. Consequently in April 1999, he was convicted of corruption and sentenced to prison for six years. There were demonstrations from 13 to 16 April 1999 (Johan Saravanamutthu 2001:104; Wine 2009:296). After that, the demonstrations stopped for a moment, and held again on 11, 19 and 25 September 1999 (Brown 2004:265; Tan Ooi Lee 2010:49-51). The second wave of demonstrations started in January 2000 after Anwar Ibrahim's conviction for second offense, and continued until 2001 with the peak of the demonstration in April 2001, a year after Anwar Ibrahim's imprisonment. Demonstration slowed down again in July 2001. Apart from the traditional methods such as street demonstrations the community also expressed objection to the government via the Internet. For example, the Internet became the main media for Anwar Ibrahim and reformation supporters, until dozens of websites were developed in a short period of time. According to Abbot (2004:83) the dismissal of Anwar Ibrahim resulted in one-third of a million resident in Malaysia who have access to the Internet, to visit the website relating to the reformation. Abbott (2004:83) in his study also found that in a few months after the dismissal of Anwar Ibrahim, there were approximately 50 pro Anwar Ibrahim and reformation websites. This is because according to him the Internet is free compared to the mainstream media. Among the websites that support Anwar Ibrahim include the Reformation, Revolusi, Mahafiraun and freeMalaysia. Online discussion groups such as Soc.culture.malaysia and Sangkancil also were important sources for the reformation movement. While Holmes & Grieco (2001:70) in their analysis of Internet usage in Malaysia's political crisis, found that until June 12, 1999 total access to the websites of the Reformation reached about seven million.

The question is what are the reasons for the emergence of civil disobedience? This is because first, people thought that the removal of Anwar Ibrahim was due to unfair and immoral act. They did not believe the reasons given by Dr Mahathir as Anwar Ibrahim is a pious leader and has been involved in missionary activity. In addition, the removal of Anwar Ibrahim also happened suddenly, although not yet proven guilty. Second, the injustice in the

government disclosed by Anwar Ibrahim, such as corruption, cronyism, nepotism and abuse of power that occurred during the reign of Dr. Mahathir. Although this matter was raised by the opposition before, it was ignored by the society. However, the disclosures by former Deputy Prime Minister Anwar Ibrahim caused the people to believe. Third, the restriction on political right and civil liberty. Although the constitution states that the people are free to assemble, express opinions and take part in political activities, they were restricted by various laws such as Internal Security Act (ISA) 1960, University and University College Act (UUCA) 1970, OSA 1972, the Societies Act 1961 and the Printing Presses and Publications Act (PPPA) 1984 that made the people dissatisfied. These acts are meant to protect national security and social harmony. However, the issue is how they are used. They are used not only for the purposes mentioned, but also related to politics and function beyond the act, especially in dealing with people who are struggling for justice and democratization. Finally it is linked to global issues as people see the dismissal of Anwar Ibrahim as no longer an individual issue, politics, religion or race but related to justice. This is what led to a variety of NGOs either Muslims or non Muslims to become united behind the reform movement.

Who were involved in this civil disobedience? Weiss (2006:134) states the majority of supporters of the reform are made up of young and middle-class Malays. They are mostly in the range of 20 years, educated at secondary and higher learning institutions, public sector workers, devout Muslims, live in cities and Anwar Ibrahim fans. Although majority are Malays, but there are a few Chinese and Indians who took part, especially those who received education from abroad and also members of the NGO's such as Suaram. At first most of those involved in street demonstrations in support of these reforms usually come together spontaneously and do not have specific goals. However, finally, there were individuals who voluntarily act as planners and organizers to ensure ongoing reform movement. They were Mohamad Ezam Mohd Nor, Anwar's former political secretary, Chandra Muzaffar, JUST President, Tian Chua, Suaram activist, Sabri Zain a journalist and Hishamuddin Rais, a student activist in the 1970s. The reform also received support of women such as activist Irene Fernandez and Zaitun Kasim. These activists with several women's groups launched Women Agenda For Change (WAC) in May 1999. This group highlighted issues such as gender inequality in employment and other problems related to employment, religion, culture, and domestic violence. In addition, other organizations such as the Malaysian Chinese Organization Election Appeals Committee (Suqiu) also use the reform platform to bring their claim. They submitted several claims to the government, for example, democracy, human rights, justice, women's rights and education. In addition, opposition political parties, namely Pan-Malaysian Islamic Party (PAS), DAP and Malaysian People Party (PRM) were also actively involved in the reform movement. Most of the approaches taken by them to show civil disobedience is through talks and rallies organized throughout the country. They were alternatives to street protests that are often restricted by the authorities either through arrest, detention and violence. In addition, various organizations involved in the reform movement such as NGOs, religious organizations, political parties, trade unions, associations or professional bodies and student associations. Abbott (2000:247) and Brown (2004:271-272) state that the dismissal of Anwar Ibrahim has been a catalyst for NGOs and opposition parties to cooperate. For example in 1999 DAP, PAS and Parti Keadilan Rakyat (PKR) (Justice Party) form the Barisan Alternatif (BA) (Alternative Front) to challenge Barisan Nasional (BN) (National Front) in 1999 general election. As a result BN experiencing a worse decline in the 1999 general election. In 1999 general election BN got 56 percent of parliamentary seat. Compare to 1995 general election BN obtained 84 percent of parliamentary seat.

CONCLUSION

This paper discusses civil disobedience act in Malaysia during reformation era in 1998 until 2001 which is in the final phase of Dr. Mahathir administration. In the early stage of his reign, Dr. Mahathir seems to be liberal and democratic. After several years there were many crises in the government administration and caused the emergence of civil disobedience. However, civil disobedience did not explode until 1998 as former DPM, Anwar Ibrahim was dismissed from cabinet and UMNO. The removal of Anwar Ibrahim led the people to demonstrate because they thought that it was unfair. In addition, the people also addressed immoral issues in the government, such as corruption, cronyism, nepotism and abuse of power. The demonstrations did not only involve the supporters of Anwar Ibrahim, but also received the support of activists, NGOs and opposition parties because it is related to the issues of justice. As a conclusion, the main reason behind the outbreak of civil disobedience was the result of government actions that weakened democracy through the restriction of political rights and civil liberties. In this respect, the removal of Anwar Ibrahim was only a triggering factor.

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